



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

Examiner: L. WELLS

MANCHANDA ET AL.

Serial No.: 09/855,542

Group Art Unit: 1617

Filed: MAY 16, 2001

Title: STABILIZATION OF RADIONUCLIDE-CONTAINING COMPOSITIONS

**RESPONSE TO REQUIREMENT FOR ELECTION OF SPECIES**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed August 20, 2002, and the requirement for an election of species therein, applicants hereby elect the species of the composition, method and kit shown in Examples 1 and 2, wherein the radionuclide is Tc-99m, the targeting agent is depreotide (see the attachments showing its full chemical name and structure) and the iodide ions are provided from KI (potassium iodide). The elected species falls within the scope of all of claims 1-31.

The examiner is encouraged to examine the broadest possible scope of invention indicated by the elected species.

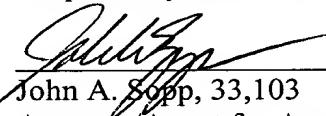
In accordance with M.P.E.P. §803.02, the examiner is reminded that, should no prior art be found which renders the invention of the elected species unpatentable, the search of the

remainder of the generic claim(s) should be continued in the same application. It is improper for the PTO to refuse to examine in one application the entire scope of the claims therein unless they lack unity of invention. The generic claims herein have not been alleged to lack unity of invention. Applicants consider the Office Action an Election of Species requirement and not a Restriction requirement. If this assumption is incorrect, applicants request an explanation as to how restriction is supported.

Favorable action is earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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Date: September 6, 2002

**Chemical Name:**

Cyclo (L-homocysteinyl-N-methyl-L-phenylalanyl-L-tyrosyl-D-tryptophyl-L-lysyl-L-valyl), (1 → 1')-sulfide with 3-[(mercaptoacetyl)amino]-L-alanyl-L-lysyl-L-cysteinyl-L-lysinamide

The structural formula of Depreotide is:

